

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: BETTA PRODUCTS

No. C-05-2273 CRB (JCS)

**NOTICE OF REFERENCE; ORDER
DENYING MOTION; ORDER
TO MEET AND CONFER**

TO ALL PARTIES AND COUNSEL OF RECORD:

The above matter has been referred to Magistrate Judge Joseph C. Spero for resolution of all pending and future discovery matters, including Plaintiff Betta Products, Inc.'s Motion for a Protective Order Pursuant to F.R.C.P. 26(c) (the "Motion").

IT IS HEREBY ORDERED that Plaintiff's Motion is DENIED, without prejudice, for failure to adequately meet and confer.

IT IS FURTHER ORDERED that not later than ten (10) days from the date of this Order, lead trial counsel for Plaintiff(s) and lead trial counsel for Defendant(s) shall meet and confer **in person** regarding the subject matter of the Motion in an effort to resolve the disputed issues. Within five (5) business days of the lead trial counsels' meet-and-confer session, counsel shall provide a detailed Joint Letter to the Court. This Joint Letter shall include a description of every issue in dispute and, with respect to each such issue, a detailed summary of each party's final substantive position and its final proposed compromise on each issue.

LAW AND MOTION HEARING PROCEDURES

Civil law and motion is heard on Friday mornings, at 9:30 a.m., Courtroom A, 15th Floor, United States District Court, 450 Golden Gate Avenue, San Francisco, California.

1 Motions to compel may be noticed without reserving a hearing date, subject to the Court's
2 availability.

3 Discovery motions may be addressed to the Court in three ways. A motion may be noticed on not
4 less than 35 days' notice pursuant to Civil L. R. 7-2. Alternatively, any party may seek an order shortening
5 time under Civil L. R. 6-3 if the circumstances justify that relief. In emergencies during discovery events,
6 the Court is available pursuant to Civil L. R. 37-1(b). In the event a discovery dispute arises, counsel for
7 the party seeking discovery shall in good faith confer **in person** with counsel for the party failing to make
8 the discovery in an effort to resolve the dispute without court action, as required by Fed. R. Civ. P. 37 and
9 Civil L. R. 37-1(a). The meeting must be **in person**, except where good cause is shown why a telephone
10 meeting is adequate. A declaration setting forth these meet and confer efforts, and the final positions of
11 each party, shall be included in the moving papers. The Court will not consider discovery motions unless
12 the moving party has complied with Fed. R. Civ. P. 37 and Civil L. R. 37-1(a).

13 A party or counsel has a continuing duty to supplement the initial disclosure when required under
14 Fed. R. Civ. P. 26(e)(1).

15 Law and motion matters may be submitted without argument upon stipulation of the parties and
16 notification of the Court no later than 4:30 p.m. the day before the hearing. Pursuant to Civil L. R. 7-7(e),
17 filed motions may be withdrawn without leave of the Court, within seven (7) days of the date for service of
18 the opposition. Thereafter, leave of the Court must be sought.

19 All documents shall be filed in compliance with the Civil Local Rules. Documents not filed in
20 compliance with those rules will not be considered by the Court.

21 **COURTESY COPIES**

22 BEFORE 5:00 P.M. ON THE NEXT BUSINESS DAY FOLLOWING THE ELECTRONIC
23 FILING, THE PARTIES ARE REQUIRED TO LODGE DIRECTLY WITH CHAMBERS ONE
24 **PAPER** COPY OF EACH DOCUMENT, WHICH IS TO BE DESIGNATED "JCS'S CHAMBERS'
25 COPY." All filings of documents relating to motions referred to Magistrate Judge Spero shall list the civil
26 case number and the district court judge's initials followed by the designation "(JCS)".

27 Any party seeking an award of attorney's fees or other expenses in connection with this motion
28 shall file a motion in accordance with Civil L. R. 37-1(e).

1 The failure of counsel or a party to abide by this Order may result in sanctions pursuant to Fed. R.
2 Civ. P. 16(f).

3 IT IS SO ORDERED.

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5 Dated: November 21, 2005

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7 JOSEPH C. SPERO
8 United States Magistrate Judge
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